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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,203	09/14/2000	Alnoor M. Shivji	005100.P008	1520
2292	7590	10/04/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/661,203

Applicant(s)

SHIVJI ET AL.

Examiner

Ian N Moore

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 23.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,4,5,8-10,12,13 and 16-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

 9/22/04

BRIAN NGUYEN
PRIMARY EXAMINER

Continuation of 2. NOTE: does NOT place the application in condition for allowance because: new limitations "...backplane utilizes a common signaling scheme..." is added to claims 1,9,17. New claims 24-29 is added.

Continuation of 5. does NOT place the application in condition for allowance because: Regarding rejection 1,2,4,5,8-10,12,13,16,17 and 21, applicant argues that "...it is understood in the ordinary skill in the art that the data bases interconnection the aforementioned elements in Upp's system cannot be interpreted as backplane...": in page 15. It is inherent that the backplane is the bus, and Upps system's cards must be plugging to the backplane within the chassis; otherwise, it would be impossible to hold the cards in the Upp's ADM. Also, each SONET ADM utilizes in the network comprises the backplane. It is inherent that the backplane is the bus, which connects plurality of cards, per abstract of Gorshe (U.S. 5,412,651) and abstract of Horton (U.S. 6,128,300). Also, such backplane must use common signaling in order to communicate with various cards within the chassis. Also, see SONET ADM in the industry, where each card is within the chassis with the backplane bus; See Alcatel 1603 SMX, Nortel OC-3/12 express; Lucent DDM-2000. The applicant argues that "asic card on the card....per well established teaching in the art...applicants do not concede that such modification of Upp would have been obvious.." It is well known in the art that asic has been utilized in the card or module, per abstract of Parrish (U.S. 6,587,461), the summary of Duschatko (U.S. 6,735,197), paragraph 18 and FIG. 3 of Chan (U.S. 6,301,254). Thus, it is clear that the implementing ASIC on the card is well known in the art.